

RICHARDS, LAYTON & FINGER

A PROFESSIONAL ASSOCIATION

ONE RODNEY SQUARE  
920 NORTH KING STREET  
WILMINGTON, DELAWARE 19801  
(302) 651-7700  
FAX (302) 651-7701  
[WWW.RLF.COM](http://WWW.RLF.COM)

CHAD M. SHANDLER  
DIRECTOR

Direct Dial  
(302) 651-7836  
[SHANDLER @RLF.COM](mailto:SHANDLER@RLF.COM)

March 10, 2008

**VIA ELECTRONIC MAIL & HAND DELIVERY**

The Honorable Vincent J. Poppiti  
Blank Rome LLP  
Chase Manhattan Centre, Suite 800  
1201 North Market Street  
Wilmington, DE 19801-4226

**Re: *Advanced Micro Devices, Inc., et al. v. Intel Corporation, et al.*, C.A. No. 05-441-JJF; *In re Intel Corporation*, C.A. No. 05-MD-1717-JJF; and *Phil Paul, et al. v. Intel Corporation*, C.A. 05-484-JJF**

Dear Judge Poppiti:

Per the Court's November 27, 2007 Order Regarding Completion of Third Party Document Production, attached is a joint report on the status of third party document productions. The third parties are organized by type: 1) Original Equipment Manufacturers; 2) Distributors; 3) Retailers; and 4) Ecosystem Partners.

**ORIGINAL EQUIPMENT MANUFACTURERS**

1. **Dell:** Dell has produced approximately 293,000 documents thus far as part of its first inspection set. The parties and Dell anticipate that Dell will complete the production of its first inspection set by March 28, 2008. Dell will then run a series of additional search terms against its custodians' data. The parties and Dell anticipate that Dell's production of documents from the second set of search terms shall be complete by June 1, 2008.
2. **Hewlett-Packard (HP):** HP has harvested approximately 388,000 documents for review. HP has informed the parties that its review will begin on March 17, 2008, and will be completed within 60-90 working days. HP will, however, produce documents on a rolling basis while it completes its review.
3. **IBM:** IBM has produced approximately 241,000 pages of documents thus far. Under the parties' production agreement, the parties are entitled to certain narrow categories of additional documents but those are subject to further negotiation. Subject to the production

of the additional documents, the parties deem IBM's production to be substantially complete.

4. **Lenovo:** Lenovo has produced approximately 8,600 documents. Lenovo has agreed to produce from an additional two custodians and that production should be complete within 30-45 days.
5. **Fujitsu:** Fujitsu has produced approximately 26,334 pages of documents that relate to the Japan Fair Trade Commission's investigation of Intel. Fujitsu reached agreement with the parties in October 2007 to produce from additional custodians. The parties are awaiting an estimate for the completion of Fujitsu's production.
6. **NEC:** NEC has produced approximately 21,404 documents that relate to the Japan Fair Trade Commission's investigation of Intel. Pursuant to its agreement with the parties, NEC will produce additional documents to AMD's vendor by March 15, 2008. NEC will then review the documents and anticipates completing production of those documents by May 15, 2008.
7. **Toshiba:** Toshiba and the parties are in the final stages of negotiating a production agreement. The parties will provide an estimated completion date for this production to the Court once the agreement is finalized.
8. **Sony:** Sony has produced approximately 34,117 documents that relate to the Japan Fair Trade Commission's investigation of Intel. Sony has agreed to produce additional documents by March 15, 2008. Sony Electronics and the parties are near an agreement on the production of documents. This agreement should be finalized within the week. Sony Electronics' review will begin shortly thereafter and production will be done on a rolling basis. Sony Electronics anticipates its production will begin within 30 days of the execution of the production agreement.
9. **Hitachi:** Hitachi produced 919 pages of document that relate to the Japan Fair Trade Commission's investigation of Intel. The parties deem Hitachi's production to be complete.
10. **Acer:** Acer and the parties are in the final stages of negotiating a production agreement. The parties will provide an estimated completion date for this production to the Court once the agreement is finalized.
11. **Gateway:** Gateway has produced approximately 34,800 documents as part of its first phase of production to the parties. By March 25, 2008, the parties will identify search terms and custodians for the second phase of production, which Gateway and the parties anticipate to be complete by June 1, 2008.
12. **Apple:** The class plaintiffs have subpoenaed Apple and are in ongoing negotiations regarding Apple's production of documents.

13. **LG:** LG has produced 228 pages that relate to the Korea Fair Trade Commission's investigation of Intel. The parties deem LG's production to be complete.
14. **Averatec:** Averatec has produced approximately 3,400 pages in paper form. The parties deem Averatec's production to be complete.
15. **Sun:** Sun has produced 9,850 pages of documents. Sun plans to produce additional materials by April 1, 2008.
16. **Fujitsu-Siemens:** Fujitsu-Siemens has produced 1,928 pages of documents that relate to the European Commission's investigation of Intel. The parties deem Fujitsu-Siemens' production to be complete.
17. **Supermicro:** Supermicro has produced approximately 112,500 documents. The parties deem Supermicro's production to be substantially complete.
18. **Egenera:** Egenera has begun its first phase of production. The parties anticipate Egenera's first phase of production by May 15, 2008.
19. **Rackable:** Rackable produced 24,191 megabytes of data. The parties expect full production by April 15, 2008.

#### **DISTRIBUTORS**

1. **Ingram Micro:** Ingram will complete its production of data to AMD's vendor for processing by March 15, 2008. Ingram's review of this data will begin on or about April 1, 2008 and is anticipated to be completed by May 15, 2008.
2. **Avnet:** Avnet has begun its review of documents and estimates its production will be complete by May 15, 2008.
3. **Tech Data:** Tech Data has produced 12 of approximately 31 boxes of paper documents and approximately 143,000 documents in native format. Tech Data is continuing to produce and this review and production is anticipated to be complete by May 15, 2008.
4. **Synnex:** Synnex expects to complete its production by May 15, 2008.
5. **Intcomex:** Intcomex has produced data for four custodians. Intcomex is expected to produce data for three additional custodians by March 15, 2008.
6. **ASI:** ASI has produced data to the parties' vendor and expects to complete its production by May 15, 2008.
7. **Abboud:** Abboud expects to complete its production by May 15, 2008.

8. **D&H:** D&H has produced approximately 5,600 documents. The parties deem D&H's production to be substantially complete.

#### **RETAILERS**

1. **Best Buy:** Best Buy has produced 786 documents. The parties are currently in discussions regarding whether additional responsive documents exist.
2. **Circuit City:** Circuit City has produced 343 documents and is scheduled to complete its production of additional documents by March 15, 2008.
3. **Comp USA:** Comp USA has produced 2,575 pages of documents. The parties deem this production to be complete.
4. **Office Depot:** Office Depot has produced approximately 2,600 documents. The parties deem this production to be complete.
5. **OfficeMax:** OfficeMax has produced approximately 2,300 documents. The parties deem this production to be complete.
6. **Wal-Mart:** Wal-Mart has produced 761 documents. The parties are discussing whether additional responsive documents exist.
7. **Micro Electronics, Inc.:** The parties are nearing an agreement regarding the scope of the document search and anticipate that the dispute will be resolved without court intervention.

#### **ECOSYSTEM PARTNERS**

1. **Microsoft:** Microsoft has produced approximately 5,000 documents. The parties have a right to additional documents; nevertheless, the parties deem Microsoft's production to be substantially complete.
2. **Skype:** Skype has produced 292 documents. The parties deem Skype's production to be complete.
3. **DivX:** DivX has produced 321 pages of documents. The parties deem DivX's production to be complete.
4. **Appro:** Appro has produced 17 pages of documents. The parties are in negotiations regarding whether and to what extent there will be further production.
5. **Atipa:** Atipa has produced 175 documents. The parties deem Atipa's production to be complete.
6. **Network Appliances:** Network Appliances has produced approximately 9,200 documents. The parties deem Network Appliances' production to be complete.

7. **Asus:** Asus has produced 2,479 pages in paper form. The parties deem Asus' production to be complete.
8. **Pinnacle:** Pinnacle has produced 85 megabytes of data. The parties deem Pinnacle's production to be complete.
9. **Ernst & Young:** Ernst & Young is finalizing its production and expects to provide its full production to the parties by March 15, 2008.
10. **JEDEC:** JEDEC has produced 13,099 documents. The parties deem JEDEC's production to be complete.
11. **McKinsey:** McKinsey has produced approximately 200 documents. Negotiations continue regarding a supplemental production.

**RECOMMENDED ACTION**

The parties have now reached agreements or near-final agreements with virtually all of the third parties from whom they are still seeking production, not including production of purchase and sales data, and not including production pursuant to subpoenas served after June 2006. In each case, the parties have attempted to obtain an estimate for the date of completion of those productions. The parties believe that the third parties are diligently working to produce by the estimated date of completion. Should a third party materially miss their estimated date of production listed above, the parties will advise the Court so that it may take appropriate action.

Respectfully,

*/s/ Chad M. Shandler.*

Chad M. Shandler (#3796)

CS/afg

cc: Richard L. Horwitz, Esq. (via Electronic Mail)  
James L. Holzman, Esq. (via Electronic Mail)